

DEPARTMENT OF SOCIAL SERVICES
744 P Street, Sacramento, CA 95814



November 8, 1995

ALL-COUNTY LETTER NO. 95-66

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY CAL-LEARN COORDINATORS
ALL ADOLESCENT FAMILY LIFE
PROGRAM DIRECTORS
ALL COUNTY SPECIAL INVESTIGATIONS UNIT CHIEFS

REASON FOR THIS TRANSMITTAL

- ☐ State Law Change
- ☐ Federal Law or Regulation Change
- ☐ Court Order or Settlement Agreement
- ☒ Clarification Requested by One or More Counties
- ☐ Initiated by CDSS

SUBJECT: CONFIDENTIALITY AND FRAUD REPORTING REQUIREMENTS IN THE CAL-LEARN PROGRAM

REFERENCE: Manual of Policies and Procedures Section 20-000.

The purpose of this letter is to answer questions regarding confidentiality for the Cal-Learn Program as it relates to possible fraudulent activities involving the receipt of Aid to Families with Dependent Children (AFDC).

Confidentiality for Cal-Learn clients is to be ensured by all county welfare department and contract agency staff involved with the program. It is particularly important for staff providing case management services to protect the confidential nature of the client case manager relationship. Confidentiality between the client and the case manager helps build the trusting and supportive relationship necessary to assist the client in achieving a variety of program goals including self-sufficiency. Confidentiality is required by both the Welfare and Institutions Code, Section 10850, as well as the Adolescent Family Life Program Standards, published in March 1993.

There is, however, a unique exception to the statutory requirements for confidentiality that applies to all cases receiving Title IV-A funding, including Cal-Learn cases. Federal regulations (45 CFR 235.110) require that states operate a fraud detection program. While the relationship between a Cal-Learn case manager and a teen is confidential, along with being one of support and advocacy, welfare fraud detection is a federal requirement under Title IV-A of the Social Security Act. Case managers for Cal-Learn clients are required to notify the county Special Investigations Unit (SIU) regarding possible welfare fraud.

As specified in regulations contained in the California Department of Social Services Operations Manual of Policies and Procedures, Section 20-003.1, "Fraud exists when a person, on behalf of himself or others, has:

- .11 - Knowingly and with intent to deceive or defraud made a false statement or representation to obtain aid, obtain a continuance or increase of aid, or avoid a reduction of aid.
- .12 - Knowingly and with intent to defraud failed to disclose a fact which, if disclosed, could have resulted in denial, reduction or discontinuance of aid."

In those situations where it becomes apparent to a case manager through observation or knowledge of the case that welfare fraud may be occurring, or has occurred, a fraud referral must be made. This determination is a subjective process based on the case manager's knowledge of the case and includes case specific information and the belief by the case manager that the client "knowingly and with intent to deceive" attempted to or is fraudulently receiving aid. The responsibility of the case manager is limited to the referral only and does not include the responsibility for conducting the fraud investigation.

The process of making referrals to the SIU is a function delegated to each welfare department and each county has its own SIU protocol. We recommend that, in counties that have not already developed Cal-Learn reporting procedures for welfare fraud, County Welfare Department Cal-Learn coordinators contact the local SIU to learn the appropriate types of information that should be referred and the local procedures for making referrals.

If you have any questions regarding fraud referrals, please contact Dave Hessler of the California Department of Social Services, Fraud Bureau, at (916) 445-0031. Questions regarding the Cal-Learn Program should be directed to your Cal-Learn Program Analyst at (916) 654-1424.



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